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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,107	12/13/2000	Kenji Fujioka	F-6779	3664

7590  
Jordan and Hamburg  
122 East 42nd Street  
New York, NY 10168

01/11/2007

EXAMINER
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MCCULLOCH JR, WILLIAM H

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/736,107

Applicant(s)

FUJIOKA ET AL.

Examiner

William H. McCulloch Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-12 and 14-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-12 and 14-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2006 has been entered. Claims 1, 3, 4, 6-12, and 14-35 are pending in the application, with claims 1, 3, 4, 6-10, 14-18, and 35 currently amended.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation "the external side". There is insufficient antecedent basis for this limitation in the claim. For the purposes of this examination, the claim will be interpreted as referring to "the second video game device", which is concurrent with the currently amended claim language. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-4, 6-12, 14-20, 23-25, 28-30, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,858,930 to Sato (hereinafter Sato) in view of U.S. 6,227,966 to Yokoi (hereinafter Yokoi) and U.S. 6,009,458 to Hawkins et al. (hereinafter Hawkins).

Regarding claims 1, 4, 7, and 35, Sato teaches a video game apparatus, comprising: a monitor for displaying game images (picture display units 18 and 38); a plurality of operable members for operating the game images including a character displayed on the monitor (game control units 14 and 34); a data transmitter for transmitting data to a second video game apparatus (cartridge 50 and connectors 60a and 60b); a mode instructing member for selectively instructing a training mode and a transfer mode (via game control units, see at least 4:1-68, and 5:53-6:18); a first setter for setting a character to be trained and training initial values thereof when the training mode is instructed, each of said training initial values reflecting at least one aspect of basic abilities of the character (see at least 4:1-68, 5:53-6:18); a training controller for obtaining training values to be added to the training initial values of the set character in accordance with actions taken by the character in line of a training purpose according in response to the operation of the plurality of operable members (ability data change circuits 16a and 36a); an item giving device for giving a plurality of kinds of items to the character which are prepared in advance and influential to sums of the training values in relation to at least one of the trained state of the character and action instructing

operations given to the character by the operable members, the item having influence on the character when the item belongs to the character (gold coins, experience points, and "equipments" [*sic*], see at least 7:40-51); a judger for judging whether training has been successful, said data transmitter transmitting character data of the character to the second video game apparatus when a transfer mode is instructed and when judged by the judger as having been successfully trained (see at least 4:1-68, 5:53-6:18, and 7:52-57), said character data of the character to be transmitted including the items given during the training (see at least 4:1-68, 5:53-6:18, and 7:40-51).

Sato teaches the invention substantially as described above. Sato lacks in specifically disclosing that character data of the character to be transmitted includes the training initial values of the character such that a user of the second game device can begin training of the character with said training initial values and said items. In a related disclosure, Yokoi describes a simulation device and method for training a virtual character. Yokoi teaches storing character data in a storage medium and supplying a reset switch to allow a virtual character to be restored to an initial setting (see at least 7:39-44 and 9:35-67). It is clear from both Sato and Yokoi disclosures (see for example the summaries of the inventions and Sato 8:3-8) that the purpose of the game is to build or train a character, and it is from the building or training that a player derives enjoyment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Sato by storing and transmitting the initial training data in order to facilitate restoring a character back to an initial state such that a

player may train the character from the beginning of a training simulation, as is favorably indicated by both Sato and Yokoi.

Sato teaches a system wherein a virtual character and items given to the virtual character are transferred from one gaming device to another (see above). Yokoi teaches resetting a character to an initial state (see above). Sato in view of Yokoi lacks in specifically describing that items given to a virtual character persist through a reset operation. Hawkins describes a networked computer game system with persistent playing objects, those objects having the ability to exist independent of a particular game instantiation (see at least 1:13-41, and 2:18-3:52). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Sato and Yokoi to include the persistent object (items) of Hawkins in order to allow players to use the objects independent of game instantiation and to allow players access to items already obtained through normal game play.

Regarding claims 3, 6, 8, and 14, Sato further teaches a data receiver for receiving the character data corresponding with the training initial values and the given items from the second video game apparatus (cartridge 50 and connectors 60a and 60b); and a second setter for setting the character received from the second video game apparatus by the data receiver as an object to be trained (ability data change circuits 16a and 36a).

Regarding claims 9, 10, 15, and 16, Hawkins describes transmitting a reception permission requiring command when the character data of the successfully trained character are transmitted to the second video game apparatus together with the training

initial values; and transmitting a transmission requiring command when the character data of a character provided with the training initial values thereof are received from the second video game device (see at least 16:50-17:21).

Regarding claims 12 and 19, Sato describes the use of another video game program executable using at least one successfully trained character (see at least 8:31-39).

Regarding claim 17, Sato teaches that additional items, different from those already acquired, may be given to the virtual character following a transfer of the character data (see at least 7:40-57 and 8:48-53).

Regarding claims 11 and 18, Hawkins suggests displaying how many times a same character has been transmitted to a second video game apparatus (see at least 3:39-48).

Regarding claims 20, 23, 25, 28, 30, and 33, Hawkins teaches a networked game system using wired and wireless transmission schemes (see at least 5:30-37).

Regarding claims 24, 29, 34, Sato discloses setting a probability for obtaining a plurality of remaining experience points (see at least 7:40-8:2).

6. Claims 21, 22, 26, 27, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Yokoi and Hawkins as described above, in further view of official notice.

Claims 21, 22, 26, 27, 31, 32 are directed toward transferring character data via infrared signals. Hawkins describes transferring data over a wireless network. The

above noted references lack in specifically disclosing the use of infrared data transmission. The examiner takes official notice that it is notoriously well known in the art to employ infrared data transfer in gaming devices. Therefore it would have been an obvious matter of choice, well within the capabilities of one of ordinary skill in the art at the time of invention to employ infrared signals to transmit character data from one user device to another.

### ***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Citation of Pertinent Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of References Cited.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is 571-272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

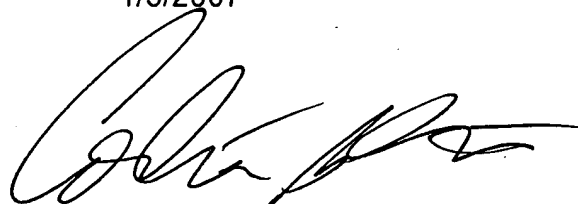


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. McCulloch Jr.  
Examiner  
Art Unit 3714  
1/5/2007

wm



**CORBETT B. COBURN**  
**PRIMARY EXAMINER**